

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

TERRANCE MITCHELL,

Plaintiff,

v.

DR. ABU ASHAN, et al.,

Defendants.

Case No. 3:20-cv-14428 (BRM)(DEA)

MEMORANDUM AND ORDER

THIS MATTER is opened to the Court by *pro se* Plaintiff Malik Shakur (“Plaintiff”), a prisoner currently confined at East Jersey State Prison in Rahway, New Jersey, upon the filing of a civil rights complaint, filed pursuant to 42 U.S.C. § 1983. (ECF No. 1). The Court previously granted Plaintiff’s application to proceed *in forma pauperis* (“IFP application”). (ECF No. 4).

Federal law requires this Court to screen Plaintiff’s Complaint for *sua sponte* dismissal prior to service, and to dismiss any claim if the claim fails to state a claim upon which relief may be granted under Federal Rule of Civil Procedure 12(b)(6) and/or to dismiss any defendant who is immune from suit. *See* 28 U.S.C. § 1915(e)(2)(B).

The Court has screened the Complaint in this action for dismissal and has determined Plaintiff’s Eighth Amendment of deliberate indifference and medical malpractice arising from the failure to diagnose and/or treat HIV against Drs. Ashan, Wisnewshi and Borrowski and Nurse Practitioners Avery, Gallagher and Sunicad shall proceed.

Accordingly, and for good cause appearing,

IT IS on this 24th day of March 2021,

ORDERED that Plaintiff’s claims against Defendants Ashan, Wisnewshi, Borrowski, Avery, Gallagher and Sunicad shall **PROCEED** at this time; and it is further

ORDERED the Clerk shall mail to Plaintiff a transmittal letter explaining the procedure for completing United States Marshal (“Marshal”) 285 Forms (“USM-285 Forms”); and it is further

ORDERED once the Marshal receives the USM-285 Forms from Plaintiff and the Marshal so alerts the Clerk, the Clerk shall issue summons in connection with each USM-285 Form that has been submitted by Plaintiff, and the Marshal shall serve summons, the Complaint and this Order to the address specified on each USM-285 Form, with all costs of service advanced by the United States; and it is further

ORDERED Defendants shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED the Clerk of the Court shall serve Plaintiff with copies of this Order via regular mail.

/s/*Brian R. Martinotti*
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE